

Notice of Allowability

Application No.

09/594,517

Applicant(s)

MCBREARTY ET AL.

Examiner

Art Unit

Linh LD Son

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief received on 01/26/06.
2. ☒ The allowed claim(s) is/are 1-5, 8-17, 19-21 and 24-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. On March 28th, 2006, Examiner met with the Appeal Conference board and agreed that the argument on page 13 of the Appeal Brief dated January 26th, 2006 is persuasive. However, with the authorization from the Attorney Joseph Van Leeuwen to go forth with the Examiner's Amendment from the telephone interview on March 29th, 2006, the amended claims 1, 11, 19, and 27 are clearly overcome the prior art and therefore put it in an allowance status. See below.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney on March 29th, 2006.

The application has been amended as follows:

1. (Currently amended) A method for securely transmitting data in a network, said method comprising:
sending a request from a first computer to a second computer prior to establishing a secure connection, the first computer and the second computer included in a plurality of computers;
receiving a response from the second computer, whereby the response informs the first computer that the second

Art Unit: 2135

computer accepts encrypted data;
establishing the secure connection between the first
computer and the second computer;
transmitting a password across the secure connection, the
password used to encrypt and decipher the data;
encrypting the data using the password; and
transmitting the encrypted data over a non-secure
connection[.];
changing the password by including a counter as part of the
password; and wherein the counter is incremented after each
transmission between the first and second computer systems.

2. (original) The method as described in claim 1 further comprising:
automatically sending a second password based on an event,
the second password replacing the password as the
encryption key.
3. (original) The method as described in claim 2 wherein the
event includes a time interval event.
4. (original) The method as described in claim 2 wherein the
event includes a preset number of transmissions occurring
between two or more computers within the plurality of
computers.
5. (original) The method as described in claim 1 wherein the
network includes the Internet.
6. (canceled)
7. (canceled)
8. (original) The method as described in claim 1 wherein the
data is selectively encrypted.
9. (previously presented) The method as described in claim 8
wherein the selection is based on determining a sensitivity
corresponding to the data.
10. (original) The method as described in claim 1 wherein the
deciphering further comprises:
analyzing the data packet and determining whether the data
packet is encrypted; and
selectively deciphering the data packet based on the
analyzing.
11. **(Currently amended)** A computer system comprising: a
networked computer system including a plurality of computers
connected by a computer network, each of the
computers including:
one or more processors;
a memory connected to the processors; and
a network connection that connects the computer with the
computer network; and
an encryption tool, the encryption tool including:
means for sending a request from the first computer
system to the second computer system prior to

Art Unit: 2135

establishing a secure connection, the first computer system and the second computer system included in a plurality of computer systems;
means for receiving a response from the second computer system, the response indicating that the second computer system accepts packets of data that is encrypted;
means for establishing the secure connection between a the first computer system and a the second computer system, each of the computer systems connected to a computer network;
means for sending a password from the first computer system to the second computer system across the secure connection;
means for encrypting one or more packets of data using the password as an encryption key;
means for transmitting one or more of the encrypted packets of data from one of the computer systems to the other computer system; and
means for deciphering the one or more encrypted packets of data at the receiving computer system using the password as the encryption key[.];
means for changing the password by including a counter as part of the password;
wherein the counter is incremented after each transmission between the first and second computer systems.

12. (original) The computer system as described in claim 11 wherein the computer network is a private network.
13. (original) The computer system as described in claim 11 wherein the encryption tool further includes:
means for sending a second password, the second password replacing the password as the encryption key.
14. (canceled)
15. (previously presented) The computer system as described in claim 11 wherein the means for sending is performed on a defined time interval.
16. (previously presented) The computer system as described in claim 11 wherein the means for sending is performed after a preset number of transmissions between the :first and second computer systems.
17. (original) The computer system as described in claim 11 wherein the computer network includes the Internet.
18. (canceled)
19. **(Currently amended)** A computer program product in a computer. usable medium for encrypting data between computers, said computer program product comprising:
means for sending a request from a first computer system to a second computer system prior to establishing a secure connection, the first computer system and the second

Art Unit: 2135

- computer system included in a plurality of computer systems;
means for receiving a response from the second computer system, whereby the response informs the first computer system that the second computer system accepts encrypted data;
means for establishing the secure connection between the first computer system and the second computer system, each of the computer systems connected to a computer network;
means for sending a password from the first computer system to the second computer system across the secure connection;
means for encrypting one or more packets of data using the password as an encryption key and means for deciphering the data packets using the password as the encryption key [[.]]; means for changing the password by including a counter as part of the password, wherein the counter is incremented after each transmission between the first and second computer systems.
20. (original) The computer program product as described in claim 19 further comprising:
means for transmitting the one or more packets of data from one of the computer systems to the other computer system;
and
means for deciphering the one or more packets of data at the receiving computer system using the password as the encryption key.
21. (original) The computer program product as described in claim 19 further comprising:
means for sending a second password, the second password replacing the password as the encryption key.
22. (canceled)
23. (canceled)
24. (original) The computer program product as described in claim 19 wherein the computer network includes a private network.
25. (original) The computer program product as described in claim 19 wherein the means for encrypting further comprises:
means for determining whether the data packets include sensitive information; and
means for selectively performing the encrypting based on the determination.
26. (original) The computer program product as described in claim 19 wherein the means for deciphering further comprises:
means for analyzing the data packet and determining whether the data packet is encrypted; and
means for selectively deciphering the data packet based on the analysis.

Art Unit: 2135

27. (Currently amended) A method for transmitting data securely between computers, said method comprising: establishing a secure connection between a first computer system and a second computer system, each of the computer systems connected to a computer network; sending a password from the first computer system to the second computer system across the secure connection; encrypting one or more packets of data using the password as an encryption key and responsively deciphering the data packets using the password as the encryption key; transmitting the one or more packets of data from one of the computer systems to the other computer system; deciphering the one or more packets of data at the receiving computer system using the password as the encryption key; sending a request from the first computer system to the second computer system prior to the establishing of the secure connection; and responding to the request by the second computer system, the response further including: informing the first computer system that the second computer system accepts the data that is encrypted[[.]]; changing the password by including a counter as part of the password; and wherein the counter is incremented after each transmission between the first and second computer systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856.

The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135


HOSUK SONG
PRIMARY EXAMINER
